IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE MR JUSTICE M.H.S. ANSARI

and
HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 2532 of 2005

Between:

M/s. Bhimas Residency Hotels Limited

Tirupathi.

Chittoor District, having its registered office at

34-38, G. Car Street,

Tirupathi.

Represented by its Director

Mr. K.V. Ranganathan, S/o Lt.K.R. Venkatachalam,

Aged about 49 years

..... PETITIONER

AND

1. The Principal Secretary,

Youth Advancement, Tourism & Culture

(Tourism Department),

Government of Andhra Pradesh,

Secretariat Buildings,

Saifabad, Hyderabad.

2. The Director,

Department of Tourism, Government of

Andhra Pradesh, Secretariat Road,

Tankbund, Hyderabad.

3. The Commercial Tax Officer-I (FAC),

Tirupathi,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the inaction on the part of the Secretary, Tourism Department, Government of Andhra Pradesh and Director, Department of Tourism, Government of Andhra Pradesh in non-issue of eligibility certificate in final to the petitioner in terms of Government Memo dated 17.9.2004 in Ref.No.1159785/T/A2/2004 (Annexure-P7) quantifying the amount of tax incentives namely sales tax and luxury tax for a period of 5 years from 2.6.2000 equivalent to 100% of the project cost pursuant to the application submitted by the petitioner on 29.11.2000 (Annexure – P3) for grant of incentives and also in terms of the Memo of the Government, as illegal, arbitrary, improper, unjust, and opposed to the principles of nature justice, as also contrary to the directions contained in G.O.Ms.NO.6 Youth Advancement, Tourism and Culture (Tourism) Department, dated 18.12.1998 and consequently direct the third respondent namely the Commercial Tax Officer, No.1 Circle, Tirupati, not to take any steps or coercive measures for recovery of any sales tax and luxury tax from 5.6.2000 from the petitioner and grant such other relief or reliefs as are deemed fit.

Counsel for the Petitioner:MR.M.V.J.K.KUMAR

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court, at the stage of admission, made the following :

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ORAL ORDER: (PER MHSA. J)

As in the case of the petitioner, he had earlier filed a writ petition being W.P.No.6819 of 2004, claiming similar reliefs as in the instant writ petition, and also keeping in view that the said writ petition was disposed of with certain directions, we are not inclined to entertain the instant writ petition. The filing of successive writ petitions, with similar reliefs, is not to be countenanced.

Accordingly, instant writ petition is dismissed without going into the merits of the contentions raised. No order as to costs.

(M.H.S. ANSARI, J)

(T.CH. SURYA RAO, J)

Date: 15.2.2005

CVM

To,

1. The Principal Secretary,

Youth Advancement, Tourism & Culture

(Tourism Department),

Government of Andhra Pradesh,

Secretariat Buildings,

Saifabad, Hyderabad.

2. The Director,

Department of Tourism, Government of

Andhra Pradesh, Secretariat Road,

Tankbund, Hyderabad.

3. The Commercial Tax Officer-I (FAC),

Tirupathi,

Chittoor District.

4. 2 CCs to G.P. for Commercial Tax, High Court buildings,
Hyderabad (OUT).

5. 2 CD copies